

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

THE PROCTER & GAMBLE COMPANY, )  
Plaintiff, )  
V. ) C.A. NO. 04-940 (JJF)  
TEVA PHARMACEUTICALS USA, INC., )  
Defendant. )

## PLAINTIFF'S TRIAL EXHIBITS

Frederick L. Cottrell, III (No. 2555)  
Steven J. Fineman (No. 4025)  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899-0391  
Telephone: (302) 651-7700  
cottrell@rlf.com  
*Attorneys for The Procter & Gamble  
Company*

Dated: November 17, 2006

**Volume I**

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
JTX 1	United States Patent No. 5,583,122	N/A	N/A	N/A	N/A
JTX 2	File Wrapper for US Patent 5,583,122	N/A	N/A	N/A	N/A
JTX 5	United States Patent No. 4,761,406	N/A	N/A	N/A	N/A
PTX 21	Norwich R&D Report	PG	22787	22823	R [w/drawn 11/5/06], H
PTX 22	TPTX and Schenk Summary Report	PG	23091	23102	H
PTX 44	Norwich Biweekly Report	PG	34070	34070	H
PTX 59	Special Report	PG	45556	45570	H
PTX 67	Laboratory Notebook	PG	53503	53549	R [w/drawn 11/5/06], H, A
PTX 69	Laboratory Notebook	PG	53793	53896	R [w/drawn 11/5/06], H, A
PTX 70	Laboratory Notebook	PG	53897	54059	R [w/drawn 11/5/06], H, A

**Volume II**

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
PTX 72	Laboratory Notebook	PG	54314	54510	R [w/drawn 11/5/06], H, A
PTX 80	Toxicity Interim Report	PG	56964	57018	H
PTX 81	Toxicity Interim Report	PG	57030	57085	H
PTX 82	Toxicity Interim Report	PG	57086	57146	H
PTX 86	Interim Report Memorandum	PG	58346	58352	R [w/drawn 11/5/06], H
PTX 87	Geddes Memorandum	PG	58353	58356	R [w/drawn 11/5/06], H
PTX 109	Proposal Memorandum	PG	68065	68065	H
PTX 116	Osteoporosis Market Information	PG	69014	69035	H
PTX 117	Interdepartmental Memorandum	PG	73217	73220	R [w/drawn 11/5/06], H
PTX 131	Project Proposal Memorandum	PG	77027	77033	R [w/drawn 11/5/06], H
PTX 137	Norwich Biweekly Report	PG	77111	77111	R [w/drawn 11/5/06], H
PTX 138	Norwich Biweekly Report	PG	77112	77112	H
PTX 139	Norwich Biweekly Report	PG	77113	77113	H
PTX 141	Norwich Biweekly Report	PG	77115	77115	R [w/drawn 11/5/06], H
PTX 148	New Diphosphonate Meeting Memorandum	PG	78486	78507	H
PTX 151	Actonel Financial Information	PG	78585	78599	R [w/drawn 11/5/06], H, A
PTX 224	Chart of Expenses	PG	94413	94413	H

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
PTX 230	Actonel Brochure	PG	95062	95091	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 231	Actonel Brochure	PG	95092	95122	R [w/drawn 11/5/06], H [w/drawn 11/5/06]

### Volume III

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
PTX 232	Actonel Brochure	PG	95123	95136	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 233	Actonel Brochure	PG	95137	95144	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 243	Actonel Brochure	PG	95255	95256	R [w/drawn 11/5/06]
PTX 244	Actonel Brochure	PG	95257	95280	R [w/drawn 11/5/06]
PTX 319	Prescription Data	PG	187876	187880	H
PTX 320	Prescription Data	PG	187881	187885	H
PTX 321	Prescription Data	PG	187886	187889	H
PTX 322	Publication - Mizik, Natalie and Robert Jacobson (2004), Are Physicians Easy Marks?: Quantifying the Effects of Detailing and Sampling on New Prescriptions, Management Science 50(12)	PG	187890	187901	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 323	Publication - Booth, Bruce and Rodney Zemmel, The Search for Blockbuster Drugs: Efficacy Isn't Everything", The McKinsey Quarterly, February 2006	PG	187902	187905	H [w/drawn 11/5/06]
PTX 355	Publication – Fleisch, Bone Resorption, Metastasis, and Diphosphonates, Monographs of The Mario Negri Institute for Pharmacological Research, Milan, Italy, based on a Symposium held June 1984, Garattini (ed.), Raven Press, New York, pp. 33-40 (1985)	PG	191237	191244	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 356	Publication - Shinoda et al.,	PG	191245	191257	R [w/drawn

- 3 -

R – Relevance (Fed. R. Evid. 401, 402)

H – Hearsay (Fed. R. Evid. 801, 802)

NP – Not Produced before the close of discovery

A – Authenticity (Fed. R. Evid. 901)

I – Incompleteness

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
	Structure-Activity Relationships of Various Bisphosphonates, 35 Calcif. Tissue Int. 87-99 (1983)				11/5/06], H [w/drawn 11/5/06]
PTX 428	CV of Dr. Bilizikian	None	None	None	R [w/drawn 11/5/06], H
PTX 430	CV of Dr. McKenna	None	None	None	R [w/drawn 11/5/06], H
PTX 432	CV of Dr. Miller	None	None	None	R, H
PTX 434	CV of Dr. Smith	None	None	None	R, H
PTX 460	Publication: Fleisch, Drugs 42(6):919-944 (1991)	PG	52271	52296	R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 461	Publication: Fleisch, Bisphosphonates in Bone Disease (1993)	PG	63001	63073	R [w/drawn 11/5/06], H [w/drawn 11/5/06]

#### Volume IV

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
PTX 464	US Patent No. 4,013,644		(PX13)		R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 465	U.S. Patent 4,013,666		(PX14)		R [w/drawn 11/5/06], H [w/drawn 11/5/06]
PTX 507	Report by J.H. Powell for period ending 5/22/85	PG	77036	77036	R [w/drawn 11/5/06], H
PTX 514	Lab Notebook pages	PG	191296	191318	NP, I, R [w/drawn 11/5/06], H, A
PTX 516	Lab Notebook pages	PG	191356	191388	NP, I, R [w/drawn 11/5/06], H, A
PTX 518	Lab Notebook pages	PG	191438	191446	NP, I, R [w/drawn 11/5/06], H, A
PTX 519	Lab Notebook pages	PG	191447	191483	NP, I, R [w/drawn 11/5/06], H, A
PTX 520	Evista/Fosamax/Mialcin/Didronel/Act one/Forteo (\$MM) Worldwide Sales Progression	PG	288	289	R, H
PTX 523	Actonel: Integrated COMPASS	PG	80415	80480	R [w/drawn

- 4 -

R – Relevance (Fed. R. Evid. 401, 402)

H – Hearsay (Fed. R. Evid. 801, 802)

NP – Not Produced before the close of discovery

A – Authenticity (Fed. R. Evid. 901)

I – Incompleteness.

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
	Presentation; October – January, 2005				11/5/06], H
PTX 531	Special Products Group Memorandum	PG	58398	58398	R [w/drawn 11/5/06], H
PTX 532	Amended Expert Report of Jesse David	N/A	N/A	N/A	
PTX 533	Commercial Success: Economic Principles Applied to Patent Litigation	N/A	N/A	N/A	
PTX 534	Intellectual Property by Leonard and Stohl	N/A	N/A	N/A	
DTX 42	U.S. Patent 4,621,077	N/A	N/A	N/A	N/A
DTX 134	Dr. Lenz CV	N/A	N/A	N/A	N/A
P001	Procter & Gamble Is the Owner of U.S. Patent No. 5,583,122	N/A	N/A	N/A	N/A
P002	'122 Patent, Claim 4	N/A	N/A	N/A	N/A
P003	'122 Patent, Claims 16 and 23	N/A	N/A	N/A	N/A
P004	Bone Remodeling	N/A	N/A	N/A	N/A
P005	Unpredictability of the Structure-Activity Relationship	N/A	N/A	N/A	N/A
P006	Obviousness Standard	N/A	N/A	N/A	N/A
P007	Obviousness Standard	N/A	N/A	N/A	N/A
P008	'406 Patent	N/A	N/A	N/A	N/A
P009	Table III of '406 Patent	N/A	N/A	N/A	N/A
P010	Proximal Femur	N/A	N/A	N/A	N/A
P011	Bone Remodeling	N/A	N/A	N/A	N/A
P012	An isolated Osteoclast Placed on a Piece of Bone and Maintained in Vitro	N/A	N/A	N/A	N/A
P013	Architectural Changes in Osteoporosis	N/A	N/A	N/A	N/A
P014a	Human Costs of Osteoporosis	N/A	N/A	N/A	N/A
P014b	Human Costs of Osteoporosis	N/A	N/A	N/A	N/A
P015	Bone Therapeutic Index of Etidronate (1:2 Ratio)	N/A	N/A	N/A	N/A
P016	Osteomalacia Resulting from Long-Term Etidronate Treatment	N/A	N/A	N/A	N/A
P017	Bone Therapeutic Index of Risedronate (>1:1000 Ratio)	N/A	N/A	N/A	N/A
P020	Structure of Risedronate	N/A	N/A	N/A	N/A
P021	Structure of 2-Pyr-EHDP	N/A	N/A	N/A	N/A
P022	Dual Mechanisms of Action of Nitrogen-Containing Bisphosphonates	N/A	N/A	N/A	N/A
P023	Bisphosphonate Binding to FPPS Enzyme	N/A	N/A	N/A	N/A
P024	Bisphosphonate Binding to HAP on the Bone Surface	N/A	N/A	N/A	N/A

Tab	Description	Bates Prefix	Bates Begin	Bates End	Teva's Objections
P025	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P026	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P027	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P028	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P029	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P030	Effect of Small Changes in Structure	N/A	N/A	N/A	N/A
P031	Dramatic Differences in Potency Observed Among Bisphosphonates	N/A	N/A	N/A	N/A
P032	Stereoisomers of Thalidomide	N/A	N/A	N/A	N/A
P033	Pamidronate/Alendronate vs. Risedronate	N/A	N/A	N/A	N/A
P034	Pyridyl Prior Art	N/A	N/A	N/A	N/A
P035	Comparison of '406 and '122 Claims	N/A	N/A	N/A	N/A
P036a	BUN Summary Chart	N/A	N/A	N/A	N/A
P036b	TOX Screen NOEL vs. LED (ratio = NOEL/LED)	N/A	N/A	N/A	N/A
P037	Schenk Assay	N/A	N/A	N/A	N/A
P038	Thyroparathyroidectomy (TPTX) Assay	N/A	N/A	N/A	N/A
P039	Relative Potency of 2-pyr EHDP vs. 3-pyr EHDP	N/A	N/A	N/A	N/A
P040	Compared Efficacy and Safety of pyr-EHDPs	N/A	N/A	N/A	N/A
P041	NERA Website: "Commercial Success: Economic Principles Applied to Patent Litigation."	N/A	N/A	N/A	N/A
P042	Publication: "Economic Approaches to Intellectual Property, Policy, Litigation and Management."	N/A	N/A	N/A	N/A
P043	Actonel® Market Share	N/A	N/A	N/A	N/A
P044	Actonel® Estimated vs. Actual Prescriptions	N/A	N/A	N/A	N/A
P045	Actonel® Schenk Test Data for 3-pyr EHDP	N/A	N/A	N/A	N/A
P046	Actonel® Schenk Test Data for 2-pyr EHDP	N/A	N/A	N/A	N/A
PI 001	Excerpt from Physician's Desk Reference	N/A	N/A	N/A	N/A
PC001	Effects of Small Changes in Structure	N/A	N/A	N/A	N/A
PC002	Effects of Small Changes in Structure	N/A	N/A	N/A	N/A
PC003	Effects of Small Changes in Structure	N/A	N/A	N/A	N/A
PC004	Claim 15 of the '406 Patent	N/A	N/A	N/A	N/A

*Frederick L. Cottrell, III*

Frederick L. Cottrell, III (No. 2555)

Steven J. Fineman (No. 4025)

Richards, Layton & Finger

One Rodney Square

P.O. Box 551

Wilmington, DE 19899-0391

Telephone: (302) 651-7700

[cottrell@rlf.com](mailto:cottrell@rlf.com)

*Attorneys for The Procter & Gamble*

*Company*

Dated: November 17, 2006

- 7 -

R – Relevance (Fed. R. Evid. 401, 402)

H – Hearsay (Fed. R. Evid. 801, 802)

NP – Not Produced before the close of discovery

A – Authenticity (Fed. R. Evid. 901)

I – Incompleteness.

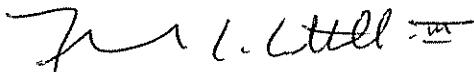
**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2006, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing (s) and Hand Delivered to the following :

Karen Pascale, Esquire  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391

I hereby certify that on November 17, 2006, I have sent by Federal Express, the foregoing document to the following non-registered participants:

James Galbraith, Esquire  
Maria Luisa Palmese, Esquire  
Anthony Pfeffer  
Kenyon & Kenyon  
One Broadway  
New York, New York 10004

  
Frederick L. Cottrell, III (# 2555)